

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

<b>In the Matter of</b>	)	
	)	
<b>Amendment of the Amateur Service Rules</b>	)	<b>WT Docket No. 09-209</b>
<b>Governing Vanity and Club Station Call Signs</b>	)	
	)	
<b>Petition for Rule Making: Amateur Radio</b>	)	
<b>Service (Part 97)</b>	)	
	)	
<b>Petition to Change Part 97.19(c)(2) of the</b>	)	
<b>Amateur Radio Service Rules</b>	)	
<b>To: The Commission</b>		
<b>Via: Office of the Secretary</b>		

**PETITION FOR PARTIAL RECONSIDERATION**

ARRL, the national association for Amateur Radio, formally known as the American Radio Relay League, Incorporated (ARRL), by counsel and pursuant to Section 1.429 of the Commission's rules (47 C.F.R. § 1.429) hereby respectfully submits its Petition for Partial Reconsideration of the *Report and Order*, FCC 10-189, released November 8, 2010 (75 Fed. Reg. 78169 *et seq.*) (the Report and Order). The Report and Order amended the Amateur Service rules to clarify procedures and to codify in Part 97 of the Commission's Rules policies that the Commission uses to administer vanity and club call signs in the Amateur Service. In the main, the changes made by the Report and Order are reasonable codifications and clarifications of existing policies which are acceptable to ARRL. However, several amended Sections, including §§ 97.5 and 97.19 are, as worded, unclear. ARRL urges herein that those rule sections be reconsidered and modified in order to reflect the intent of the Report and Order. As a separate matter, ARRL finds it disappointing that the Commission refused to consider in this proceeding a

series of reasonable proposals aimed at increasing the available pools of Group A call signs. ARRL does not herein seek reconsideration of this refusal. The Commission's tersely stated dismissal of these proposals should, however, be reevaluated in the near term in a separate proceeding. ARRL urges the Commission to remain open to future, near-term proposals to address improvements to the sequential, vanity and special event call sign systems; to preclude abuses of the vanity call sign assignment system; and to remedy the serious shortage of available Group A call sign permutations. For its Petition for Partial Reconsideration, ARRL states as follows:

### **I. Limits on Club Station Licenses**

1. In its comments in this proceeding, ARRL noted that the Commission's proposals contained in the *Notice of Proposed Rule Making* (the Notice)<sup>1</sup> were relatively straightforward, and ARRL supported most of them. However, with respect to the Notice proposal to impose limits on club station licenses and call signs, ARRL offered a counterproposal. The Commission proposed in the Notice to limit each Amateur club to one license grant and one club call sign (of any type), except that clubs now holding more than one would be allowed to keep those already assigned to them. The proposal was a per-club limit rather than a per-trustee limit. The principal abuse that the Notice sought to prevent was (and is) the situation, often encountered, in which a trustee holds a number (sometimes a large number) of preferred vanity call signs (typically Group A call signs, principally those in a 1x2 or 2x1 format), whether or not the call signs are in the name of the same club. There are numerous examples of individual trustees "hoarding" large numbers of desirable call sign combinations.

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<sup>1</sup> *Notice of Proposed Rule Making*, FCC 09-102, released November 24, 2009, 75 Fed. Reg. 3886 *et seq.*

2. ARRL agreed that there were more than a few instances of flagrant abuse of the Commission's procedures by individual club trustees, and noted that it is well-aware of the acute shortage of Group A call sign combinations.<sup>2</sup> ARRL was critical of the proposed remedy for this phenomenon contained in the Notice, however. The problem with a blanket limitation on club licenses and call signs was that many clubs have, for example, more than one station (such as a club that operates numerous repeaters). Those clubs have a legitimate need for more than one call sign.<sup>3</sup> Furthermore, the Notice-proposed limit would not be sufficient to stem instances of "hoarding" desirable call signs through multiple club licenses, because a trustee could bypass this rule simply by creating multiple clubs involving the same persons. There is no limit on the number of clubs that a group of four persons or more can form.

3. ARRL argued that, since the premise for the limits proposed in the Notice was that there is a shortage of preferred format call signs, the rules should provide a means of inhibiting the perceived problem of an individual obtaining multiple vanity call signs in those formats in his or her role as the trustee of a club. ARRL counter proposed that the Commission should prohibit clubs from applying for new Group A call signs, with the exception of *in memoriam* call signs. Existing Group A call signs held by clubs could be grandfathered. This solution was significantly less burdensome on Amateur clubs than the Notice proposal would have been, and it dealt directly with the fundamental problem sought to be addressed.

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<sup>2</sup>ARRL proposed a number of solutions to the readily apparent, acute shortage of call signs in preferred formats, principally Group A call signs, but the Report and Order did not adopt any of them.

<sup>3</sup> The Commission noted with respect to this that clubs could use the same call sign with a self-assigned designator to differentiate different stations, but that is not suitable in some situations.

4. The Commission declined to adopt ARRL's counterproposal. Neither, however, did it adopt the Notice proposal to limit club stations to one call sign but not to limit the number of clubs for which a licensee may serve as a trustee. Instead, in the Report and Order, the Commission decided to adopt the following provisions: (1) a limit of one vanity call sign per club; (2) no limit on the number of *sequential* call signs that a club can have, thus permitting one club to have multiple licenses as needed; and (3) to limit each trustee to one club station license (thus to prevent trustees from bypassing the one vanity call sign per club rule by allowing a single trustee to form multiple clubs).

5. The real problem is not the decision of the Commission to limit vanity call signs to one per club going forward, or to limit an individual to service as a trustee for only one club station license grant. The problem instead is the way the Commission has chosen to implement these limitations in Section 97.19(a) as amended, which does not preclude the abuses that the Report and Order intended to preclude. Section 97.19(a) as amended by the Report and Order reads as follows:

**§ 97.19 Application for a vanity call sign.**

(a) The person named in an operator/primary station license grant or in a club station license grant is eligible to make application for modification of the license grant, or the renewal thereof, to show a call sign selected by the vanity call sign system. Effective February 14, 2011, the person named in a club station license grant that shows on the license a call sign that was selected by a trustee is not eligible for an additional vanity call sign. (The person named in a club station license grant that shows on the license a call sign that was selected by a trustee is eligible for a vanity call sign for his or her operator/primary station license grant on the same basis as any other person who holds an operator/primary station license grant.) Military recreation stations are not eligible for a vanity call sign.

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As discussed above, the Report and Order held, at Paragraph 30 thereof, that a licensee can be a trustee for only one club license, and that a club can obtain only one vanity call sign. However, there are several methods by which the rule implementing this new policy

can be avoided. Because a single club station may have multiple trustees, each of those multiple trustees, as Section 97.19(a) now reads, could obtain a single vanity call sign. The wording of Section 97.19(a) does not preclude this option. In fact, as the rules read after the Report and Order, a club could designate numerous individual licensees who are members of the same club to serve as trustees. While the rule specifies that the person named in the club station license is the person who can modify a license to show a vanity call sign selected by a trustee, the rule as worded does not prohibit the obtaining of multiple club station vanity call signs if there are multiple trustees selecting one vanity call sign each. This can be addressed simply enough *without* limiting the number of club trustees and therefore the number of club licenses to one per club, which the Commission has agreed is undesirable.

6. There are other, practical mechanisms for “gaming” the club station vanity call sign assignment system as well. While a club license is keyed to an FCC Registration Number (FRN), many Amateur clubs which are unincorporated have no Taxpayer ID Number (TIN) and use an exemption in order to obtain an FRN. With minor address changes, a club can obtain multiple FRNs and thereby obtain multiple vanity call signs. Additionally, because multiple FRNs can be obtained based on the same TIN, it is possible for a single club and a single trustee to obtain multiple club licenses and vanity call signs using the same TIN but different FRNs.

7. It is therefore helpful to further reword Section 97.5(b)(2) and Section 97.19(a) as amended by the Report and Order so as to close as many of these loopholes as possible relative to aggregating vanity call signs while still permitting multiple club licenses. ARRL would suggest the following language:

**§ 97.5 Station license required.**

\* \* \* \* \*

(b) \* \* \*

(2) A club station license grant. A club station license grant may be held only by a person who holds an operator/primary station license grant and who is designated as license trustee by an officer of the club. The club must be composed of at least four persons and must have a name, a document of organization, management, and a primary purpose devoted to amateur service activities consistent with this part. A club cannot be issued more than one FCC Registration Number (FRN) and an FRN shall not be assigned to more than one club.

\* \* \* \* \*

**§ 97.19 Application for a vanity call sign.**

(a) The person named in an operator/primary station license grant or in a club station license grant is eligible to make application for modification of the license grant, or the renewal thereof, to show a single call sign selected by the vanity call sign system. Effective February 14, 2011, no application can be made to modify a club station license grant to show a call sign selected by the vanity call sign system if any trustee designated by an officer of the club already holds a club station license grant with a vanity call sign. (The person named in a club station license grant that shows on the club station license a call sign that was selected by a trustee is eligible for a vanity call sign for his or her operator/primary station license grant on the same basis as any other person who holds an operator/primary station license grant.) Military recreation stations are not eligible for a vanity call sign.

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With these changes, the Commission's intent as expressed in the Report and Order will be better effectuated.

**II. Group A Call Sign Permutations and Administration of Group A Call Signs**

8. While as noted above, ARRL does not seek reconsideration of the Commission's refusal to address the critical shortage of Group A call signs, ARRL does suggest that the Commission has failed in this proceeding to address the underlying premise for the Notice proposals, and the rule changes adopted in this proceeding: the

shortage of Amateur Radio call signs in the *preferred formats*.<sup>4</sup> The Commission, after this Report and Order, still allows abuses in the assignment of the most desirable blocks of call signs through the vanity call sign assignment system. There is intense competition among radio amateurs for these call signs and it is an important issue within the Amateur community. It is ARRL's sincere hope that, as a necessary subsequent adjunct to the rule clarifications and modifications adopted in the Report and Order, the Commission will in a near-term, separate proceeding address *obvious* issues of fairness in the administration of Group A call signs, and consider reasonable proposals to expand the pool of available Group A call signs (and as well sequential and special event call signs). While there are large numbers of call signs available in other than 1X2 and 2X1 formats, there is a critical shortage of available Group A call signs. These opportunities deserve a fair hearing and serious consideration, though the Report and Order in this proceeding does not indicate that one was provided.

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<sup>4</sup> The Report and Order, at paragraph 34, stated that the Commission declined "to make additional call signs available to the sequential call sign system" It stated that "millions of call signs are presently available to amateur stations. We believe, therefore, that a sufficient number of call signs is available for an amateur service licensee to obtain a vanity call sign that is acceptable to him or her" (sic). The Commission also found that ARRL's requests "would not substantially increase the availability of call signs of the one-by-two format" (*i.e.*, call signs consisting of one letter, followed by a numeral, followed by two letters), that "experience has shown to be most desired by amateur radio operators." The fact is that the most desired call signs are the Group A call signs. The Commission concedes this, but anomalously states that there is a sufficient number of call signs so that an Amateur licensee can find one that he or she desires. ARRL's proposals would in fact substantially increase the pool of Group A call sign permutations that are available. Furthermore, while it is true that ARRL's proposals would not substantially increase the number of 1X2 call signs available for assignment, that is because virtually all of those permutations are already taken, which is the precise justification for making additional Group A call sign blocks available that are now lying fallow. The rule changes proposed by ARRL would permit assignment of other permutations of Group A call signs besides 1X2 format call signs, and would have created rules which discourage the "warehousing" of Group A (including 1X2 format) call signs. The Report and Order indicates that the Commission was unwilling to seriously consider ARRL's suggestions, despite the invitation at paragraph 20 of the Notice in this proceeding to "propose other amendments to the Rules governing vanity and club station licensing that might promote equitable and administratively efficient licensing processes."

#### **IV. Conclusions**

9. With the relatively minor, but nevertheless important amendments requested hereinabove in two rules adopted in this proceeding pertaining to club station licenses and call sign assignments to Amateur Radio clubs, the rules adopted in the Report and Order are otherwise reasonable and helpful in the administration of call signs and licensing in the Amateur Service -- as far as they go. The Commission, however, has missed an opportunity to make available new call signs in preferred formats; to preclude abuses in the assignment of Group A call signs; and to address the root problem which gave rise to some of the rule changes accomplished by the Report and Order, which is the scarcity of such preferred call sign formats. The Commission should take the timely opportunity to comprehensively update the call sign assignment system for the Amateur Service and thereby provide for the continued, steady growth of the Service. Without substantial administrative burden, such an updating will help to enhance the pride and satisfaction of licensees in their personal achievements in the radio art and their dedication to public service.

Therefore, the foregoing considered, ARRL, the national association for Amateur Radio, respectfully requests that the Commission revise Sections 97.5(b)(2) and



Section 97.19(a) as suggested above.

Respectfully submitted,

**ARRL, the national association for Amateur Radio**

225 Main Street  
Newington, CT 06111-1494

By: Christopher D. Imlay  
Christopher D. Imlay  
Its General Counsel

Booth, Freret, Imlay & Tepper, P.C.  
14356 Cape May Road  
Silver Spring, MD 20904-6011  
(301) 384-5525

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